UNITED STATES PATENT AND TRADEMARK OFFICE

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10/741,305	12/18/2003	Dhananjay V. Keskar	42P18008	4357

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
STEELMAN, MARY J

ART UNIT	PAPER NUMBER
2191	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/741,305	KESKAR ET AL.
	Examiner	Art Unit	
	MARY STEELMAN	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 July 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-7,9-11,13-15,18 and 21* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-3,5-7,9-11,13-15,18 and 21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some *　c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to Claim Amendments and Remarks received

07/02/2007. Per Applicant's request, claims 4, 8, 12, 16, 17, 19, 20, and 22 are cancelled.

Claims 1-3, 5-7, 9-11, 13-15, 18, and 21 are pending.

Drawings

2.   Replacement Sheet FIG. 5 has been entered.

Specification

3.   The amendment filed 07/02/2007 is objected to under 35 U.S.C. 132(a) because it

introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall

introduce new matter into the disclosure of the invention. The added material which is not

supported by the original disclosure is as follows: The deletion of last lines of [0032].

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 101

4.   In view of the amendment to claim 9, the prior 35 U.S.C. 101 rejection is hereby

withdrawn.

Claim Rejections - 35 USC § 112

5.   In view of the amendments to claims 1 and 9, and the cancellation of claims 8 and 16, the

prior 35 U.S.C. 112 second paragraph rejections are hereby withdrawn.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

6.   Claims 1-3, 5-7, 9-11, 13-15, 18, and 21 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

Claim 1, line 17, recites, "searching a database of locally stored data corresponding to

one or more remote content providers;" It is unclear who is searching, the client or the server?

Claim 1, line 19 recites, "selectively transmitting, from the client device, a request for the

information..." It is unclear whether this refers to "a request for information" on line 1, or is it a

second request?

Claim 5, line 13, recites, "...a request for the information..." It is unclear whether it

refers to line 1, or is it a second request for information. (It is presumed that "the requested

information" on line 17 refers to "a request for information" on line 1.

Claim 9, line 21 recites, "a request for the information..." It is unclear whether this

refers to line 4, or is it a second request for information?

Claim 9, it is unclear as to where the search of a database occurs, at the client or server?

Claim 13, line 14 recites, "a request for the information..." It is unclear whether this

refers to line 4, or is it a second request for information?

In all the above claims, examiner will presume there is one request for information from

client to server.

Claim Objections

7.   In view of claim amendments, the prior claim objections are hereby withdrawn.

It is noted by Examiner that Applicant is broadly claiming the invention. The

Specification discloses "dynamic location information" at [0014], which may be a type of

dynamic client characteristic. Given the broadest reasonable interpretation, a "dynamic client

characteristic" and a "static characteristic" may be analogous to features well know in the art,

such as a user chosen password, pin, user name, device type, etc.

Response to Arguments

8. Applicant's arguments with respect to claims have been considered but are moot in view of the

new ground(s) of rejection.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

10.   Claims 1, 5, 9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

Patent 6,687,608 B2 to Sugimoto et al., in view of US Patent 6,741,853 B1 to Jiang et al.

Per claims 1 and 9:

A method comprising:

-transmitting, from a client device, a request for information to a server device;

-receiving from the server device, a response including a profile query requesting data

corresponding to one or more static characteristics of the client device, one or more dynamically

changeable characteristics of the client device wherein the dynamically changeable

characteristics comprise one or more of:

-a user preference profile stored by the client device and a connectivity condition corresponding

to a network connection used by a client device,

-and preference information of the client device wherein the preference information corresponds

to activity history of the client device;

-executing a client-side routine to retrieve the data requested by the server device wherein the

client-side routine retrieves the values of the static characteristics of the client device, determines

the values of the dynamically changeable of characteristics of the client device, and obtains the

preference information of the client device;

-searching a database of locally stored data corresponding to one or more remote content

providers; and

-selectively transmitting, from the client device, a request for the information including the data

corresponding to the static characteristics of the client device, the dynamically changeable

characteristics of the client device and the preference information of the client device wherein

the transmission is subjected to one or more privacy constraints further wherein the privacy constraints correspond to preference information of the client device and the results of the database search.

Sugimoto disclosed:

Col. 2: 34, user inputs profile Also see FIG. 2 – profile registration screen

Col. 2: 65, user inputs a destination or purpose action in a portable terminal

Col. 3: 2-7, navigation system with storing device which previously stores…information (history)…by the user…

Col. 4: 7-49, portable terminal 40, a server 90 which can transmit and receive information to and from the portable terminal 40 via a communication network…an information database 92 from and on which the server can read and write…information; and a position detecting device 94 such as a GPS (Global Positioning System) which can detect a current position of the portable terminal 40. The portable terminal 40 is provided with an input device through which the user inputs his profile (user information)…a display device which displays…and notifies the user; and a communication device which wirelessly transmits and receives information to and from other communication device such as thee server 90. Server 90 is provided with a recording device which records service information on shops or the like associated with the positional information (server content) and the profile information …of the user (database); a retrieving device which retrieves and selects the service information (content)…for notifying the user of timely and appropriate service information…The server 90 may be provided with a position detecting device which detects the current position of the user…

Col. 5: 2, by registering each user in the server 90…information database 92 and transmit the information to the portable terminal 40 for notifying the user.

Col. 5: 29-34, In the first use of information notification service, the user operates the input device provided in the portable terminal and inputs the profile…or preference according to a menu displayed on the display service. The profile inputted in this way is transmitted to server 90 through a wireless communication device. (Client device logs onto server to request information, server sends query registration menu to client requesting (1) one or more static characteristics of the client (name), (2) one or more changeable characteristics (nearest station) and (3) preference information (see FIG 3, desired information). The profile inputted in this way is transmitted to server 90 through a wireless communication device.

Col. 5: 35-38, The server 90 having received the profile from the portable terminal 40 records the profile and information for identifying the portable terminal 40 (device specific) of the user in the information database 92…

Col. 5: 57, The service information (content) …in accordance with the profile is read from the information database 92 and transmitted to the portable terminal 40…

FIG. 5, user previously inputs profile…user registration to the server op, user inputs the desired information…and selects…and the portable terminal 40 transmits the inputted desired information…to the server 90.

Col. 6: 41-47, When the time of service information notification set by the user comes (preference), the position detecting device starts processing of detecting the current position of the portable terminal 40 (dynamically changeable characteristic)

Col. 6: server 90 retrieves information (content)...which belong to the category of the desired information selected by the user (preferences) and retrieves service information matching the profile (name / static characteristic of the client device)...

Col. 6: 64-67, portable terminal 40 having obtained its own positional information starts access to the server 90 and transmits the obtained positional information (dynamically changeable characteristic of the client device) of the portable terminal 40 to the server 90.

See FIG. 11 regarding static characteristics of the client device, dynamically changeable characteristics of the client device, and the preference information of the client device.

Col. 3: 15-22, the storing device which previously stores the destination information matching the date, the time period, the cost, the number of persons, or the transportation, the evaluation information the purpose or the like in the action by the user (activity history)

Sugimoto failed to explicitly disclose "privacy constraints" corresponding to preference information of the client device.

However, Jiang disclosed wireless communication between a plurality of MSs (mobile stations / client) and wireless networks, WPM (wireless portal middleware / server). Communications are transmitted to determine location information of the client device (col. 10: 28). Jiang disclosed (col. 11: 36-42) Directory Service technology to implement the profile schemas, preferably encrypted to provide additional security.

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify Sugimoto's invention, using the teachings of Jiang, because one would be motivated to provide privacy constraints to personal information including present location.

Per claims 5 and 13:

A method comprising:

-receiving, from a client device, a request for information from a local resource;

-transmitting to the client device a response including a profile query requesting data corresponding to one or more static characteristics of the client device, one or more dynamically changeable characteristics of the client device, wherein the dynamically changeable characteristics comprise one or more of:

a user preference profile stored by the client device and a connectivity condition corresponding to a network connection used by client device,

and preference information of the client device wherein the preference information corresponds

to activity history of the client device;

-receiving, from the client device, a request for the information including the data corresponding

to the static characteristics of the client device, the dynamically changeable characteristics of the

client device, and the preference information of the client device; and

-transmitting to the client device the requested information selected and/or formatted based on

the data corresponding to the static characteristics of the client device, the one or more

dynamically changeable characteristics of the client device, and the preference information of the

client device.

See rejections of claim 1 above.

Sugimoto failed to explicitly disclose details related to formatting results. However Jiang

disclosed (Jiang – col. 11: 65-67) details identifying the client device and (Jiang – col. 20: 35-36)

adapting the content delivered to the client device to the device characteristics.

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the

invention, to modify Sugimoto's invention, using the teachings of Jiang, because one would be

motivated to provide device appropriate renderings for a specific identifiable display.

11.   Claims 1, 5, 9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

Patent 6,687,608 B2 to Sugimoto et al., in view of US Patent 6,741,853 B1 to Jiang et al., and

further in view of US Patent 6,553,310 B1 to Lopke.

Per claims 2 and 10:

Sugimoto/Jiang disclosed a client device entering desired information such as shopping, movie

(FIG. 3) but failed to explicitly disclose:

-the request for information comprises entering a Uniform Resource Locator (URL) into a

browser interface.

However, Lopke disclosed URLs at Col. 6: 58-67, a user at a client terminal 102 initiates a

search for a particular resource by inputting the appropriate URL...

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the

invention, to modify Sugimoto/Jiang, because Sugimoto recognized the need for (Sugimoto -

Col. 2: 22-28) an information notification system and method which can provide appropriate

service information required by a user according to a current position or an age of the user, time,

or the like by a push type information notification system. Likewise, Lopke recognized (Lopke –

Col. 1: 20-23) the need for a system and method of identifying information pertinent to a user

that automatically identifies resources based on accessability to the user.

Per claims 3 and 11:

Sugimoto/Jiang disclosed a client device entering desired information such as shopping, movie

(FIG. 3) but failed to explicitly disclose:

-the request for information comprises selecting a link via a browser interface.

However, Lopke disclosed:

FIG. 4, #445, Operator Input Devices, touch panel   Col. 8: 10-17 Col. 9: 38-39, displayed for

the user to select Col. 8: 55, searches the Internet for locations which match

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the

invention, to modify Sugimoto/Jiang, because Sugimoto recognized the need for (Sugimoto -

Col. 2: 22-28) an information notification system and method which can provide appropriate

service information required by a user according to a current position or an age of the user, time,

or the like by a push type information notification system. Likewise, Lopke recognized (Lopke –

Col. 1: 20-23) the need for a system and method of identifying information pertinent to a user

that automatically identifies resources based on accessability to the user.

Per claims 6 and 14:

See rejection of limitations as addressed for claim 2 above.

Per claims 7 and 15:

See rejection of limitations as addressed for claim 3 above.

Per claims 18 and 21:

Sugimoto/Jiang failed to explicitly disclose:

-the locally stored data comprises a cookie.

However, Lopke disclosed cookies at col. 3: 3, "cookie"

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the

invention, to modify Sugimoto/Jiang, because Sugimoto recognized the need for (Sugimoto -

Col. 2: 22-28) an information notification system and method which can provide appropriate

service information required by a user according to a current position or an age of the user, time,

or the like by a push type information notification system. Likewise, Lopke recognized (Lopke –

Col. 1: 20-23) the need for a system and method of identifying information pertinent to a user

that automatically identifies resources based on accessability to the user.

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

It is noted that client / server interactions, messaging, queries, including processing to

retrieve client inputs, processing by a server to provide results, applets on a client terminal,

servlets on a server terminal, preferences, device identification, etc. are well known in the art.

Applicant's amendment necessitated the new grounds of rejection presented in this Office

action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mary Steelman, whose telephone number is (571) 272-3704. The

examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM If

attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei

Zhen can be reached at (571) 272-3708. The fax phone number for the organization where this

application or proceeding is assigned: 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be

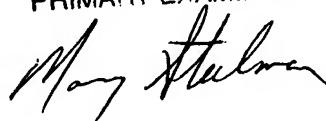directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman

09/13/2007

MARY STEELMAN
PRIMARY EXAMINER